IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONIDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 22082 of 1999**

Between:

Smt.E.Satyakala w/o Nagaraju, aged 37 years,

D.No.4-1-46, Ramakrishnaraopet, Kakinada, E.G.District.

**..... PETITIONER**

AND

1. Deputy Transport Commissioner & Secretary, Regional Transport Authority,

Kakinada, East Godavari District.

2. Deputy Transport Commissioner & Secretary, Regional Transport Authority,

Visakhapatnam,Visakhapatnam District.

3. Superintendent of Police, East Godavari District at Kakinada.

4. Motor Vehicles Inspector (F.S.) Kakinada, East Godavari District.

**.....RESPONDENTS**

*Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction preferably one in the nature of Writ of Mandamus directing the respondents herein and their subordinate checking officers not to seize or collect compounding fee for the alleged violation of the provisions of Section 192-a of M.V.Act, 1988 on the spot in respect of the petitioner's passengers vehicle bearing Registration No.CRX 6679 covered by Contract Carriage Permit to ply in two districts viz. East Godavari and Visakhapatnam or seize the said vehicle*

*declaring that the respondents and their subordinates have no authority of law to do so.*

***Counsel for the Petitioner: Mr.M.Ganga Rao, Advocate.***

***Counsel for Respondent Nos. 1 2, 4: Govt. Pleader for Transport.***

***Counsel for the respondent No.3: Govt. Pleader for Home (N.P.)***

**The Court made the following:**

**Oral Order:**

The power of respondents in collecting the compound fee for violation of provisions of Section 192-A of Motor Vehicles Act, 1988 is the subject of challenge in the present writ petition.

It is represented that a Division Bench of this Court in W.P.No.9936 of 1995 and batch dated 23-11-1995 held that the authorities have no power to collect the compound fee for the alleged offence and at the most they can initiate proceedings for prosecuting the vehicle owner.

Following the same and the reasons mentioned therein, this writ petition is also allowed. No costs.

_____ A.GOPAL REDDY, J.

05-07-2004

***Murthy***

The Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday the Fifthday of July, two thousand and four.

*ASSISTANT REGISTRAR*

*// TRUE COPY //*

*SECTION OFFICER*

To

1. Deputy Transport Commissioner & Secretary, Regional Transport Authority, Kakinada, East Godavari District.

2. Deputy Transport Commissioner & Secretary, Regional Transport Authority, Visakhapatnam,Visakhapatnam District.

3. Superintendent of Police, East Godavari District at Kakinada.

4. Motor Vehicles Inspector (F.S.) Kakinada, East Godavari District.

*5.Two CCs to the Govt. Pleader for Transport, High Court Buildings,*

Hyderabad (OUT)

*6.TwoCD copies.*

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